

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DAVID WILLIAMS,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 16-cv-1311-JPG-CJP
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social Security,)	
)	
Defendant. ¹)	

MEMORANDUM AND ORDER

Before the Court is the parties' Agreed Motion for Remand to the Commissioner. (Doc. 38.)

The parties agree that this case should be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "an Administrative Law Judge will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is disabled within the meaning of the Social Security Act, including offering plaintiff a new hearing, and issue a new decision."

Plaintiff applied for disability benefits in June 2013. (Tr. 10.) While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. See, *Casey v. Berryhill*, 853 F.3d 322 (7th Cir. 2017). She is automatically substituted as defendant in this case. See Fed. R. Civ. P. 25(d); 42 U.S.C. § 405(g).

For good cause shown, parties' Agreed Motion for Remand to the Commissioner (Doc. 38) is **GRANTED**.

The final decision of the Commissioner of Social Security denying David Williams' application for social security benefits is **REVERSED** and **REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: October 10, 2017

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE